IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 532 OF 2002
IN
SECOND APPEAL NO. 12 OF 2002

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Mr. Janardhanan for the applicants.

Mr. S.S. Deshpande for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 10TH SEPT., 2004

P.C.:

1. Heard both sides.

2. This is an application to vacate the stay of the execution proceeding of the Court below passed by this Court dated 17.1.2002.

3. The record shows that, at the time of admission of the second appeal, the stay was granted to the execution proceeding on merits after hearing both parties. This suit property is immovable property and substantial questions of law appear to be involved in the proceeding. Under the circumstances, there is no reason why the stay should be vacated at this stage.

In view of these aspects, the application stands dismissed with no order as to costs.

Liberty to move the Court at appropriate time for expeditious hearing of the appeal.

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